



BEFORE THE ARIZONA CORPORATION

COMMISSIONERS

KRISTIN K. MAYES, Chairman  
GARY PIERCE  
PAUL NEWMAN  
SANDRA D. KENNEDY  
BOB STUMP

Arizona Corporation Commission

DOCKETED

JUN 9 0 2009

DOCKETED BY

me

IN THE MATTER OF THE APPLICATION OF  
THE LINKS AT COYOTE WASH UTILITIES,  
L.L.C., FOR AN EXTENSION OF ITS  
CERTIFICATE OF CONVENIENCE AND  
NECESSITY TO PROVIDE SEWER SERVICE  
IN YUMA COUNTY, ARIZONA.

DOCKET NO. SW-04210A-06-0220

DECISION NO. 71189

**ORDER EXTENDING TIME**  
**DEADLINE CONTAINED IN**  
**DECISION NO. 69209**

Open Meeting  
June 23 and 24, 2009  
Phoenix, Arizona

BY THE COMMISSION:

\* \* \* \* \*

Having considered the entire record herein and being fully advised in the premises, the  
Commission finds, concludes, and orders that:

**FINDINGS OF FACT**

1. On December 21, 2006, the Arizona Corporation Commission ("Commission") issued  
Decision No. 69209 which approved the application of the Links at Coyote Wash Utilities, L.L.C.  
("Company" or "Applicant") for an extension of its Certificate of Convenience and Necessity  
("Certificate") to provide public wastewater utility service to 320 acres of land known as the Links at  
Coyote Wash Unit Three ("Unit Three") and Unit Four ("Unit Four") in Yuma County, Arizona.

2. Two of the conditions of the Commission's approval required the Company to file, by  
December 21 and December 31, 2008, respectively, copies of the following: copies of all Approval of  
Construction ("AOC") documentation which is issued by the Arizona Department of Environmental  
Quality ("ADEQ"); and a copy of the amended Aquifer Protection Permit ("APP") which is issued by  
ADEQ for the extension area.

1           3.       On March 31, 2009, the Company filed a Motion for an Extension of Time ("Motion")  
2 for retroactive approval by the Commission to file copies of the amended APP and the AOC for Unit  
3 Four by August 31, 2010, since concurrently, with the filing of the Company's Motion, the Company  
4 had filed a copy of the ADEQ AOC for Unit Three.

5           4.       The Company, in its Motion, indicated it has received an Approval to Construct  
6 ("ATC") from ADEQ and that the Yuma County Department of Development Services has extended  
7 the construction deadline for Unit Four for an AOC until August 2010.

8           5.       The Company further related that additional time is needed to file the amended APP  
9 for the extension area because ADEQ requires additional information from the Company concerning  
10 its application and while its engineering consultant is working with ADEQ, the Company does not  
11 yet know when ADEQ will complete the processing of its application for the amended APP.

12           6.       On May 19, 2009, the Commission's Utilities Division ("Staff") filed the Staff  
13 Memorandum responding to the Motion.

14           7.       Attached to the Staff Memorandum was a copy of an April 24, 2009, letter obtained  
15 from the Company. The letter is from the extension area's developer who is also a manager of the  
16 limited liability company which owns and operates the Applicant which is the "only provider of  
17 sewer service in the area." The letter indicates a continued need for service and that the developer  
18 has received preliminary plat approval for Unit Four. However, the developer further indicates that  
19 construction of the sewer facilities is projected to commence sometime within the next three years.  
20 Staff notes this inconsistency, since the request for the extension of time to file the AOC for Unit  
21 Four and the APP is only until August 31, 2010.

22           8.       Staff's Memorandum noted that a December 19, 2008, Company compliance filing  
23 related that "no construction [is] occurring in the extension area, and the developer is believed to be  
24 experiencing financial problems." Staff states that it "understands the downturn in the economy has  
25 put a damper on much of the development in the state and is concerned with projects being put on hold  
26 and the possibility of development never taking place." However, Staff recommended approval of the  
27 Company's Motion based on projected need and on the developer's continued request for service.

28           9.       Staff further recommended that no further extension of time be granted.

10. Under the circumstances, the Company's Motion is reasonable and should be granted for the extension of time sought herein, until August 31, 2010, as recommended by Staff; however, we will put the Company on notice that any further requests for an extension of time to comply should be timely filed and must demonstrate that extraordinary circumstances exist that will warrant an additional extension.

## CONCLUSIONS OF LAW

1. The Company is a public service corporation within the meaning of Article XV of the Arizona Constitution and A.R.S. §§ 40-281 and 40-282.

2. The Commission has jurisdiction over the Company and the subject matter of the extension request addressed herein.

3. Staff's recommendation for the extension of time to file copies of the required documentation as set forth in Findings of Fact No. 2 should be adopted, but absent extraordinary circumstances, no further extensions should be granted.

• • •

...

...

•

21

11

...

...

1

11

1

...

• • •

ORDER

IT IS THEREFORE ORDERED that the Links at Coyote Wash Utilities, L.L.C. shall be granted an extension of time, until August 31, 2010, to file copies of the Approval of Construction for Unit Four and the amended Aquifer Protection Permit which were previously ordered to be filed in Decision No. 69209.

IT IS FURTHER ORDERED that no further extension of time to file the aforementioned documents shall be granted absent extraordinary circumstances.

IT IS FURTHER ORDERED that this Decision shall become effective immediately.

BY ORDER OF THE ARIZONA CORPORATION COMMISSION.



CHAIRMAN



COMMISSIONER



COMMISSIONER

COMMISSIONER

COMMISSIONER

IN WITNESS WHEREOF, I, MICHAEL P. KEARNS, Interim Executive Director of the Arizona Corporation Commission, have hereunto set my hand and caused the official seal of the Commission to be affixed at the Capitol, in the City of Phoenix, this 30th day of JUNE, 2009.

  
 MICHAEL P. KEARNS  
 INTERIM EXECUTIVE DIRECTOR

DISSENT \_\_\_\_\_

DISSENT \_\_\_\_\_

MES:db

1  
2 SERVICE LIST FOR:

THE LINKS AT COYOTE WASH, L.L.C.

3 DOCKET NO.:

SW-04210A-06-0220

4 Patrick J. Black  
5 FENNEMORE CRAIG  
6 3003 North Central Avenue, Suite 2600  
Phoenix, AZ 85012

7 Janice Alward, Chief Counsel  
8 Legal Division  
9 ARIZONA CORPORATION COMMISSION  
1200 West Washington Street  
Phoenix, AZ 85007

10 Ernest G. Johnson, Director  
11 Utilities Division  
12 ARIZONA CORPORATION COMMISSION  
1200 West Washington Street  
Phoenix, AZ 85007

13

14

15

16

17

18

19

20

21

22

23

24

25

26

27

28